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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 004313

SIPDIS

DEPARTMENT FOR EUR/SE, EUR/PPD, ECA/PE, AND DRL/PHD

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SUBJECT: JUDGE BUMIN'S MAY VISIT TO US DEEMED A SUCCESS

REF: ANKARA 3187

(U) Classified by Ambassador W.R. Pearson; reasons 1.5 b and d.

11. (C) Summary: Turkish Constitutional Court Chairman Mustafa Bumin called his May visit to the US "intensive and valuable" and said he was exposed to US trial alternatives and police practices that could be beneficial for Turkey. Bumin also said he plans to follow through on a recommendation to establish a Free Speech Committee. One of the US-based organizers of Bumin's visit said the justice appeared open minded, though defensive at times about Turkey's image. Embassy will continue to engage Bumin on the issue of judicial reform. End Summary.

12. (U) Bumin traveled to the Washington, D.C., and San Francisco areas May 17-24 under an individual program sponsored and organized by the Embassy. Bumin met with officials from: the U.S. Supreme Court (including Chief Justice Rehnquist); the California State Supreme Court; district and superior courts; American University; the Department of State; and the Department of Justice. In addition, he participated in the Eleventh International Judicial Conference in Washington.

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Justice Observes Mediation, Meets With Police  
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13. (U) Bumin told Ambassador June 5 that his US trip was "intensive and valuable." Bumin said he observed a prosecutor and defense attorney conducting an arbitration, the first time he had observed such a process. He said he also observed a two-hour mediation. He noted that police in Turkey are sometimes accused of serious mistreatment and torture, particularly troubling given Turkey's EU candidacy. He said police officials in the U.S. recommended to him ways Turkish police could avoid such accusations. Bumin said he is enthusiastic about organizing a Committee on Freedom of Thought and Expression in Turkey, as suggested to him by Stephen Mayo, executive director of the Institute for the Study and Development of Legal Systems (ISDLS), which organized the California portion of Bumin's program.

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Impressed By US Trial Alternatives,  
Defensive On Police Issues  
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14. (C) Mayo told Embassy PA Counselor June 9 that Bumin recognized the value of the US mediation process, calling it "a better way of settling disputes," and saying Turkey needed to adopt a similar practice. Mayo said Bumin recognized that such trial alternatives could have avoided a recent ruling against Turkey by the European Court of Human Rights for the excessive length of the Turkish trial process. Mayo said Bumin also showed interest in police oversight groups in California. However, he said Bumin argued that the police-related reforms in Los Angeles were fueled by citizen outrage and strong NGO/civil society influence, and claimed it would be difficult to enact such reforms in Turkey, where, he asserted, anti-police sentiment is less intense. Mayo said Bumin also made occasional comments to the effect that American and French police are more "abusive" than Turkish police, who have an "impeccable record." Mayo said these comments reflect the typically defensive reaction of other Turkish participants in the US-Turkey Judicial Exchange Program.

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Comment

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15. (C) Based on our interactions with Bumin, and the ISDLS readout of his US visit, we hope Bumin can continue to play a valuable role in our Judicial Exchange Program. Bumin is at times deaf to valid criticism of Turkey, and sometimes clings to outmoded, Establishmentarian views about the need to protect the State from the perceived threat of Islamic "fundamentalism" and Kurdish cultural identity. Still, he appears more open to new ideas than most other high-level Turkish justices. This, combined with his stature as chief of Turkey's highest court, makes him an important interlocutor.

PEARSON